

ist; we carried Steele up the road; he said he could live more than a few minutes, as his bowels were all cut to pieces; Dr. Calhoun joined us, and we carried him to Earle's house and laid him on the bed; his wounds were examined and declared mortal; he died about 15 minutes past 5 o'clock in the evening. Dr. Peak, of Anacapa, about half an hour after he was shot; Dr. Steele, before he died; Mr. Edgerton started for Delhi and Howe and lady, and Mrs. Steele came down. The counsel for prisoner objected to this testimony.

...ants past 5 o'clock in the evening. Dr. Peak, of Ancon, was called in to examine the body. He found that the horse had been dead; Mr. Edgerton started for Delhi and Howe and lady, and Mrs. Steele came down. The counsel for prisoners objected to this testimony. The court overruled the objection.

Examination resumed.—Steele died in consequence of wounds; before we entered the horse Steele was using a loaded pistol; he was shot in the back of the head; he died harder before night." Some of them remarked that he was not known upon the ground, and that they could not be tracked; did not hear Steele say anything to the witnesses. After Steele was shot, saw the man about the horses.

The Court here took a recess for d inner. They met again at two o'clock, and the cross-examination of last session proceeded with.

Cross-examination.—Steele was armed with a pistol; did not fire to my knowledge; have stated that Steele

CHARLES S. EDGERTON, sworn.—On the morning of the 17th of Aug. Steele called on me, and said the Sheriff had requested me to assist in raising a posse to arrest Charlie Earle; he requested the posse; we discussed question in the village all day as to the propriety of giving a posse; it was thought best for us to go alone; Steele and myself arrived on the ground between one and two o'clock; after a short conference we went to the side of Earle's, three or four men disguised came of the bushes shading their heads and pointing their arms; we took no notice of them; when arriving at the

One road; one of them failed to get up and pointed at the other. "That's the road," he said, "and I'll go right on." The other road, and another chick stepping up told the first of it to retire; as we passed along the line we heard the Indians say, "them's the men we want, them's the chaps we want, we'll kill 'em." "What's the matter with them?" we asked. "They're men greater than I have had passed to them," was the first answer, and the Indians exclaimed, "where they are deputies, we'll take care of them." One of the chiefs said, "Steele, you've been used as a gentleman, and you've been used as a man of war, and you've used them; now, we'll not shoot the cattle, the cattle are ours—cattle belong to poor Indian—but we'll take care of the bidders," or something to that effect. One of the men standing in the road came up, here, "One of the men, I want to pull my cap off to you," and then a man said to Steele, (who had sandy hair,) "your head is redder than it is before night." One said, "I'u

the counsel for prisoner now conceded that the statement of N. J. was correct. The counsel for Steele, however, remarked that they should dispute any statement except in relation to the firing.

Examination continued.—When we got inside the bars, and one of the chiefs say, 'shoot the horses,' when the chief said that, I saw his horse start and I saw him say, 'I command every one about the prison to stop the peace,' the Indian came towards me and I saw the bullet took effect in the right breast and my horse started and I saw the chief fall. When Steele's horse was shot, reared and went forward, he turned around and stopped at the fence at the left end of the bars; I recollect seeing Steele attempt to raise his horse and I saw him fall. Steele received a tremendous volley and then another; I thought at that time that Steele fired; if he did fire, it was during the second volley; at this time my horse received a fatal

horses, striking the fence; there were a few gunfired or not, my impression is, they were all hanging at the same time. My mind was so clamored by every man in the transaction is a murderer," the Sheriff said. "men, at this point, you've done enough." I think some guns were fired in the direction where Mr. Wright was, though I did not get out of the house. I saw a man, I think, whose loud voice was heard to cry "halt," and a chief lifted the muzzle of his gun in the air; the firing instantly ceased. While the firing was going on I heard a man say, "his horse is high." I saw a man, I think, during the time, "spectators leave the ground." The spectators were in the road, on the opposite fence hill; they got out of the way of the firing; I did not see that on that occasion; Steele was the only one through; I showed him some money. Before that time, I saw a man, I think, who Steele had been carried to the house, I went after saddle; saw several Indians, who pointed their guns

Re-examined.—When Steele fell, his horse was in front of my horse was shot first; I had my pistol in my hand; there was a great deal of confusion; some of the Indians ran away as soon as the firing commenced; stopped at Amies with Steele, on the way down, at Huntley's place, where I saw a man, who I thought was Steele. **DR. SHERWOOD** proposed calling Dr. Steele to prove the manner of Steele's death.

DANIEL NORTHRUP sworn.—Resides in Middletown; is a farmer; has belonged to the anti-slave association; was taken to the jail at Middletown on the 25th of July, 1852, on the 29th of July, was a chief of a small tribe of Indians; was taken to the jail on the 29th of July, 1852, on that occasion; am acquainted with John Van Sumburgh, the prisoner; he belonged to another tribe of Indians; Van Sumburgh was taken in on the 29th of July, 1852, and was a fugitive; he was in the wood, kept secret until after the Sheriff was gone; we

received our orders from Mr. Earle; he said to us, as we were leaving, the sale was adjourned until the 7th of August, and he again directed me to the property into which I had been ordered to go, saying that it was the 6th of August my men and tribe arrived at Earle's at 12 o'clock; it is said there were 220 Indians there that day; the first signals in use on the first day of sale; a young man came to the store to see what was going on, so, we went to go to the house; when we were to go down and stop the sale. On the 7th of August, Warren Earle was commander-in-chief; he ordered us to go down to the store to see what was going on, and follow his orders; remembers Mr. Wright's coming in front of the line; I saw Scudder go to him, and put his hand against his breast; (witness here corroborates Wright's testimony); I think it was John D. Reside who told me of such things; I remember seeing James Daniel Edgerton and Steele; I saw Reside that day, with

nts of previous witnesses.) Steele and Edgerton drew pistols and presented them before firing commenced. Heard such expressions as "crack away," "clip 'em on him," "keep it up," etc., which he said were directed toward the person on the ground. It was impossible for me to say about the time Steele fell from his horse I left the pound and informed some others that a man was killed; returned to urge the crowd to leave the ground. When I said he would be damned if he left until they got paid, I said to protect the property; I left in company with one of my tribe; the prisoner was with me; we had some conversation; the word was to set down on the stones and let the horses go. The man who told me to get off the back of this man and these horses is an awful thing; as I said this, he patted the muzzle of his gun which lay on lap, but said nothing.

"The crowd then gave notice they should probably call this witness hereafter."

thru; was at Earle's on the 29th of July, disguised as an Indian; the Prisoner was there; I was at Earle's on the 7th of August, the prisoner was there also, disguised; I saw him go down to the river, where he had a rifle; did not see him when the firing took place. I do not know anything about his firing; returned with part of the way; there was a man in the woods whom I took to be the prisoner; I could not tell whether or no I saw enough for him' - I cannot assure that it was Van Steenberg; I saw his face on the first day of the sale; the individual who made the remark had on a shirt like that worn by him on that occasion; do not recollect seeing the man in the dress parade in the woods on the 29th of July, at the place of firing on the 6th of August.

Cross-examined - There were several men disguised as Indians when the conversation took place in the woods. The prisoner was generally made of certain calico. It is

"I know the dress. A good many of the Indians run, DANIEL NORTHERUP recalled in answer to a question by Court—Saw the prisoner in the wood; prisoner seems to have no money or goods, except his gun. He told me to take it, don't know whether they all went down too; my next conversation with him was in the road. Wm. MENZIE, sworn.—Was at the Earle sale on the 1st of August; was disguised as a farmer from Steensburg; there were three men with rifle; first saw him about 10 miles after the firing commenced at the gulley about rods from the bars; heard him inquire for a ramrod to bad his rifle; think the expression was he wanted a ramrod to load up his gun again. John D. Reszle was commander.

Cross-examined.—There was armed and disguised; had rifle; was about ten feet from Van Steenburg when he fired for a ramrod; did not see him until he came to the bar; present knew defendant by his

He kept silent to the voice; the mask alters the voice. The court announced in answer to an enquiry made by the counsel, that this witness had pleaded guilty of manslaughter in the fourth degree, and the plea had been accepted.

M. REID sworn:—Was at all places at Earle's, disarmed and armed; knows the prisoner; saw him at Earle's on the seventh day of August; he went with me to the place where the prisoner was kept; he was called "Thrup" was the commander; I know the prisoner perfectly; he had a rifle; do not know where he was when the prisoner was formed; he went part of the way home with me.

Cross-examined—Stopped at Davis's spring on our way to Earle's sale; Steenburgh spoke about discharging gun; a gun was discharged; think that it was Steenburgh's; heard somebody say they should not load with anything but shot.

the prisoner who said he should not leave his cell. The court here took a recess for an hour. His case will be concluded to-morrow without doubt. He court met at 7 o'clock. The case of Mitchell Stanford opened the case on the part of the prisoner.

TESTIMONY FOR DEFENSE.

FRANCIS O'CONNOR sworn—Have known the prisoner since he was a boy; he does not own any real estate; his character is good. I know Wm. Meutrie, his character is good; I know; have heard two persons speak just him.

The cross-examination elicited nothing material.

JOHN J. STANBURY sworn—I am the father of prisoner; he is 21 years of age; he owns no real estate. His character is good.

JOHN J. STANBURY examined.—I have engaged counsel for my son

and other ingredients, forms a cement impervious to
 hard as a stone, and of great durability. Specimens may
 be seen and every information given on application to Mr.
 S. B. MOUNTAIN, Architect, 41 Wall Street, N. York
 1m*.

ore struck and burned, and two horses were killed. A
farm was struck in Lake county, and another in Ashtabula.
The principal storm occurred on the 19th, and in
some places the hail did considerable damage to crops
and window glass.

cept back towards the bars; saw Steele falling from his horse about five feet to the left of the bars, near the fence; horse fell a short distance below; Edgerton's horse near Steele; Sheriff More, Edgerton and myself rushed towards Steele, the sheriff calling to the Indians to

the cross-examination elicited nothing material. The cross-examination of Van Stenburgh sworn—Is the father of prisoner; he is 21 years of age; he owns no real estate. Cross-examined.—I have engaged counsel for my son